



AF/3711

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Alice H. Howe

TENNIS RACQUET EQUIPPED
WITH A TENNIS BALL RETRIEVER

Attorney Docket No.: MPH 03-13

)
) Application No: 10/635,873

)
) Art Unit 3711

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) Examiner: Raleigh W. Chiu

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) Filing Date: 08/05/2003

Mail Stop AF
Commissioner for Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Date: October 11, 2005

Dear Sir:

Transmitted herewith to the United States Patent and Trademark Office are the following:

1. Transmittal letter;
2. Response to Office Action;
3. Certificate of Mailing Date;
4. Self-addressed postcard for return acknowledging receipt of all of the above.

Respectfully submitted,

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RESPONSE

This communication is in response to Office Action Paper No./Mail Date 08062005, the Final Rejection of August 11, 2005, rejecting Claims 1, 4 and 6-15 under 35 U.S. C. 103(c).

REMARKS

This communication is in response to the final rejection of claims 1, 4 and 6-15 of the Office Action Paper No./Mail Date 08062005. The current application is a continuing application of parent application serial No. 09/655,743 within which the more narrowly defined claims of this application were deemed allowable essentially upon the same prior art in the decision of the Patent and Trademark Board of Appeals of Case No. 2004-2020. The Board of Appeals reversed the Examiner in toto on grounds essentially identical to those involved in the 35USC103(a) rejections of this Office Action except for the newly cited secondary or tertiary reference of U.S. Patent No. 6,401,997 to Smerdon Jr.

The appealed claims in the parent application were deemed allowable, patentably distinct over essentially the same 35USC103(a) rejection, involving the same references, by the same Examining Attorney in the decision of the Board of Appeals except that the appealed claims were